

STATE OF RHODE ISLAND  
BEFORE THE RHODE ISLAND ETHICS COMMISSION

IN RE: PAIGE SPINK  
RESPONDENT

COMPLAINT NO. NF 2018-2

DECISION AND ORDER OF THE ETHICS COMMISSION

This matter was adjudicated before the State of Rhode Island Ethics Commission ("Commission") on June 18, 2019, pursuant to R.I. Gen. Laws § 36-14-13, 42-35-9, and Commission Regulation 520-RICR-00-00-3.22 Hearing to Determine Violation of the Code of Ethics (1015). The following commissioners were present for the adjudicative hearing and participated in the deliberations and rendering of this Decision and Order: Ross Cheit, Chair; Marisa A. Quinn, Vice Chair; Arianne Corrente, Secretary; M. Therese Antone; Robert A. Salk; Emili B. Vaziri; and Kyle P. Palumbo. The Respondent was duly notified of the hearing but did not appear. Herbert DeSimone, Jr. attended all proceedings as legal counsel for the Commission.

TRAVEL OF THE CASE

On November 8, 2018, Steven T. Cross, Chief Investigator for the Commission, filed a complaint with the Commission. The Complaint alleged that the Respondent violated R.I. Gen. Laws § 36-14-16 by failing to timely file an annual financial disclosure statement for the 2017 calendar year.

Pursuant to R.I. Gen. Laws § 36-14-12(c)(4) and Commission Regulation 520-RICR-00-00-3.11 Finding of Probable Cause (1006), the Commission conducted a probable cause hearing in this matter on April 9, 2019. The Respondent was provided notice of the probable cause hearing by regular mail on March 13, 2019. The Respondent did not appear at the April 9 probable cause hearing. After considering the Complaint, the Investigative Report, and the arguments of counsel, the Commission unanimously adopted the following findings of probable cause: That there is probable cause to believe that the Respondent, Paige Spink, a former member of the Burrillville Recreation Commission, violated R.I. Gen. Laws § 36-14-16 by failing to timely file a 2017 Financial Disclosure Statement with the Rhode Island Ethics Commission.

The Respondent was provided notice of the adjudicative hearing by certified and regular mail on April 30, 2019. Despite numerous emails and voice mail messages from Chief Investigator Cross, Respondent has never contacted the Prosecution and she has not filed her 2017 Statement. The hearing, which was originally scheduled for May 21, 2019, was rescheduled to June 18, 2019. The Respondent was notified that the hearing was continued to June 18. The Respondent did not attend either hearing. A stenographer was present for the entirety of the proceedings. The Prosecution offered evidence through the affidavits and exhibits of Michelle Berg, Commission Financial Disclosure Officer, and Steven T. Cross, Chief

Commission Investigator. After deliberating in open session, the Commission, by a vote of 7-0, found that the Respondent had committed a knowing and willful violation of R.I. Gen. Laws § 36-14-16 by failing to timely file the 2017 Financial Disclosure Statement and imposed a civil penalty of Five Hundred (\$500) Dollars.

#### FINDINGS OF FACT

Based upon the uncontroverted evidence presented by the prosecution in this matter, the Commission hereby makes the following findings of fact:

1. During 2017, Paige Spink served as a member of the Town of Burrillville Recreation Commission.
2. On or about December 29, 2017, the Commission received a certified list of appointed and elected officials from the Burrillville Town Clerk which reflected a mailing address for the Respondent of 33 River Street, Harrisville, Rhode Island 02830.
3. On or about March 20, 2018, a blank 2017 Financial Disclosure Statement form, along with instructions for online and paper filing were mailed to the Respondent at her designated address of 33 River Street, Harrisville, Rhode Island, 02830.
4. The Commission did not receive the completed 2017 Financial Disclosure Statement from Respondent by the statutory deadline of April 27, 2018.
5. On or about June 18, 2018, a reminder notice indicating that the Commission had not received her Financial Disclosure Statement was mailed to the Respondent at her designated address of 33 River Street, Harrisville, Rhode Island 02830.
6. Neither the March 2018 nor the June 2018 mailing was returned to the Commission as undeliverable.
7. The instant Complaint, a blank 2017 Financial Disclosure Statement, a Consent to Finding of Violation form, and a Schedule of Fines and Penalties for the Informal Disposition of Qualifying Financial Disclosure Complaints were sent to Respondent as part of the complaint packet at her designated address of 33 River Street, Harrisville, Rhode Island 02830.
8. On November 13, 2018, the complaint packet was delivered via certified mail to Respondent, and on November 15, 2018, the Commission received the return receipt card bearing Respondent's signature.
9. On April 30, 2019, notice that an Adjudicative Hearing was scheduled for May 21, 2019 at 9:00 AM was sent to the Respondent via regular and certified mail to her address at 33 River Street, Harrisville, Rhode Island 02830. The notice was forwarded by the United States Postal Service to an address in Stacy, Minnesota and was subsequently returned to the Commission.
10. The hearing scheduled for May 21, 2019, was rescheduled to June 18, 2019, and the Respondent was duly notified by regular and certified mail. The United States Postal Service records indicate that the notice was delivered to an individual on June 7, 2019 at a street address that was confirmed as the Respondent's mailing address, bearing what appears to be the signature of the Respondent.

11. Respondent did not attend either hearing and did not return any of the numerous email and voice mail messages left on her cell phone by Chief Investigator Cross.
12. Respondent did not timely file her 2017 Financial Disclosure Statement and indeed has yet to file her 2017 Statement.

#### CONCLUSIONS OF LAW

Upon consideration of the Findings of Fact set forth herein and the arguments presented at the hearing, the Commission concludes the following as a matter of law:

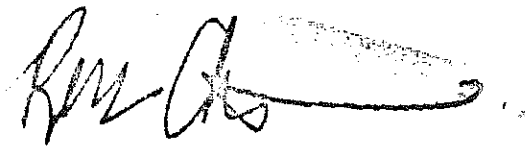
1. As an appointed member of the Town of Burrillville Recreation Commission during calendar year 2017, the Respondent was, always material hereto, a municipal appointed official subject to the Rhode Island Code of Ethics in Government pursuant to R.I. Gen. Laws § 36-14-4(2).
2. As a municipal appointed official during calendar year 2017, the Respondent was required to file a 2017 Financial Disclosure Statement on or before April 27, 2018 pursuant to R.I. Gen. Laws § 36-14-16(a)(5).
3. By failing to timely file her 2017 Financial Disclosure Statement with the Commission, Respondent committed a knowing and willful violation of R.I. Gen. Laws § 36-14-16.

Therefore, based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

#### ORDERED, ADJUDGED AND DECREED

1. That the Respondent committed a knowing and willful violation of R.I. Gen. Laws § 36-14-16 by failing to timely file a 2017 Financial Disclosure Statement with the Rhode Island Ethics Commission; and
2. That the Respondent, pursuant to R.I. Gen. Laws § 36-14-13(d)(3) shall pay a civil penalty of Five Hundred (\$500) Dollars for her violation of R.I. Gen. Laws § 36-14-16.

Entered as an Order of the Rhode Island Ethics Commission on this 18<sup>th</sup> day of September 2019.

A handwritten signature in black ink, appearing to read "Ross Cheit", written over a horizontal line.

Ross Cheit, Chair